

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID MICHAEL PERRONE,

Petitioner,

v.

JEFFREY A. UTTECHT,

Respondent.

No. 3:19-cv-06190-RJB-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

This matter comes before the Court on the Report and Recommendation of Magistrate Judge David W. Christel. Dkt. 14. The Court has considered the Report and Recommendation, the Petitioner's objections, and remaining record.

The objections made by filing a "Motion for Vicarious Exhaustion of State Remedies" (Dkt. 15) are meritless. The Petitioner cites no authority for the proposition that the exhaustion of state remedies by another must apply "vicariously to Petitioner," and his motion (Dkt. 15) is denied.

The Court does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. 14).
- (2) Petitioner's federal habeas Petition is dismissed with prejudice.
- (3) A certificate of appealability is denied in this case.
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. David W. Christel.

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

1 **DATED** this 5th day of May, 2020.

2
3 

4 ROBERT J. BRYAN
5 United States District Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26